



In the Matter of Public Gravel Pits at Force Bank Road, Irton Fell and Wasdale Road and Public Stone Quarry at Irton Fell with Allotment of Common, adjoining Copeland B

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 428 in the Register of Common Land maintained by the Cumbria County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference Irton with Santon Parish Council claimed to be the freehold owner of the land in question ("the Unit land") and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Whitehaven on 19 April 1983.

At the hearing, the Parish Council was represented by a member of the Council, Mr W Guest. He referred me to the Council's Minute Book for 1907 which contained a list of the gravel pits, and said that the Council has for at least 30 years looked after the Unit land: on one of the gravel pits are a gate and lock, and on others a notice that they are Parish Council property. Mr G Cook, a former Clerk to the Council from about 1937/1938 gave evidence; he told me that about 10 or 12 years ago the Council agreed to let the gravel be taken in quantity and there was a locked gate and a notice to say where the key could be obtained. Mr Cook thought the Unit land was awarded to the Council's predecessors in the last century. He was the applicant in 1969 to register the Parishioners right to take stone and gravel from the Unit land.

On this evidence of acts of ownership I am satisfied that the Parish Council is the owner of the Unit land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register the Parish Council as the owner under section 8(2) of the Act of 1965.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated

13 June

1983

L. J. Morris Smith
Commons Commissioner